



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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Board Members:

David M. Steinway, D.O., Pres.
Stanley J. Grossman, V.P.
F. P. Wedel, D.O.
Arlene England, D.O.
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
Jon B. Fiegen

Executive Director
Jack Confer

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, May 17, 2008

BOARD MEMBERS PRESENT: President David Steinway, D.O., Vice President Mr. Stanley Grossman, Mary Ann Picardo, D.O. and F.P. Wedel, D.O., Scott Steingard, D.O., Mr. Fiegen

BOARD MEMBERS ABSENT: Arlene England, D.O. was excused from the meeting.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Kathy Fowkes, Administrative Secretary
Doreen Borgmann, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 7:57 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Dr. Steinway welcomed the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. Dr. Steinway stated that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes March 15, 2008.

MOTION: Dr. Steingard moved to accept the minutes as amended. Dr. Picardo seconded.

ROLL CALL VOTE: Motion carried unanimously.

- B. Executive Session Minutes January 19, 2008

MOTION: Dr. Steingard moved to accept the minutes. Mr. Grossman seconded.

ROLL CALL VOTE: Motion carried unanimously.

- C. Open Session Minutes April 4, 2008

MOTION: Dr. Steingard moved to accept the minutes. Mr. Grossman seconded.

ROLL CALL VOTE: Motion carried unanimously.

5. REVIEW, CONSIDERATION AND POSSIBLE ACTION ON REQUESTS AND MOTIONS TO REVIEW A DECISION PURSUANT TO A.A.C. R4-22-106. (1:00AM)

- A. Erol LeBlanc, D.O. Case No. 3834 License No. 3452

This case was heard in conjunction with agenda item 9H.

6. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

- A. Jared Dayton, D.O. Case No. 3870 License No. 3678

Dr. Dayton was present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

- B. Gary Forsberg, D.O. Case No. 3839M License No. 2791

Dr. Forsberg was present with counsel Michele Thompson, Esq., addressed the Board, and answered all questions posed by the Board.

MOTION: Dr. Wedel motioned for a LETTER OF CONCERN pursuant to A.R.S. §32:1854(34) due to lack of oversight and supervision. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|-----|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 5 | X | X | X | | X | X | |

| | | | | | | | | |
|---------|---|--|--|--|---|--|--|---|
| NO | 1 | | | | X | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: passed 5-1 with Dr. Picardo dissenting.

C. Gerald Perkins, D.O. Case No. 3793 License No. 1813

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

D. Salvatore LaCognata, D.O. Case No. 3881 License No. 3700

Complainant was present, addressed the Board, and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

ROLL CALL VOTE: Tied 3-3, with Mr. Fiegen, Dr. Picardo and Dr. Steingard dissenting.

SECOND MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Fiegen seconded.

ROLL CALL VOTE: Passed 5-1, with Dr. Wedel dissenting.

E. Kenneth Levine, D.O. Case No. 3898 License No. 1696

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

F. Diane Juillard, D.O. Case No. 3899A License No. 2240

Dr. Juillard was present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

G. John Thompson, D.O. Case No. 3899B License No. 4022

Dr. Thompson was present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

H. Arlene England, D.O. Case No. 3907 License No. 2283

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

I. Jeffrey Izenberg, D.O. Case No. 3954 License No. 2942

Dr. Izenberg and Complainant were present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

J. Gregory Massoud, D.O. Case No. 3959 License No. 4023

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 5 | X | | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 2 | | X | | | | | X |

ROLL CALL VOTE: Passed 5-0. Mr. Grossman was absent at the time of the vote.

K. David Leff, D.O. Case No. 3949 License No. 3220

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

L. Ivan Filner, D.O. Case No. 3961 License No. 3383

Dr. Filner was present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed unanimously, 6-0.

M. James Cerneka, D.O. Case No. 3964 License No. 3664

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

N. Aaron Boor, D.O. Case No. 3976 License No. 3594

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

O. Jerry Hutchinson, Jr., D.O. Case No. 3996 License No. 2233

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

P. Richard Settles, D.O. Case No. 3922 License No. 2686

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

Q. Gael DeRouin, D.O. Case No. 3984 License No. 3052

Dr. DeRouin was present.

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

R. Michael Trainor, D.O. Case No. 4003 License No. 4039

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

ROLL CALL VOTE: Passed 6-0.

S. Budi Bahureksa, D.O. Case No. 3918 License No. 3901

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING Dr. Picardo seconded.

ROLL CALL VOTE: passed 5-0. Mr. Grossman was absent for the vote.

T. David Hatfield, D.O. Case No. 3847 License No. 2913

Dr. Hatfield was present.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

ROLL CALL VOTE: Motion passed unanimously, 6-0.

U. Arthur Taylor, D.O. Case No. 3912 License No. 2750

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

V. Shawn Sullivan, D.O. Case No. 3931 License No. 3270

Dr. Sullivan was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 5-1, with Mr. Grossman dissenting.

W. Valerie Brodsky, D.O. Case No. 3934 License No. 4258

MOTION: Dr. Steinway motioned for DISMISSAL. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

X. POSTPONED

Y. Neil Goldberg, D.O. Case No. 3960 License No. 3653

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

Z. John Charochak, D.O. Case No. 3968 License No. 2333

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

AA. John Q. Harris, Jr., D.O. Case No. 3994 License No. 0823

MOTION: Dr. Wedel moved for a LETTER OF CONCERN pursuant to A.R.S. §32:1854 (6) & (38) due to failure to respond to signs of right lower quadrant pain, failure to order testing in a timely fashion and therefore potentially putting the patient at risk. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: passes 6-0.

BB. Richard Dexter, D.O. Case No. 3978 License No. 3441

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

ROLL CALL VOTE: passed 6-0.

CC. David Los, D.O. Case No. 3999 License No. 3507

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: passed 6-0.

DD. Michael Nowak, D.O. Case No. 4000 License No. 4575

This case was heard in conjunction with agenda item 9G.

EE. Jeffrey Reres, D.O. Case No. 4001 License No. 4559

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: passed 6-0.

FF. Michael Reitz, D.O. Case No. 4020A License No. 3414

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

GG. Darek Sott, D.O. Case No. 4020B License No. 4430

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

HH. POSTPONED

II. Guy Merz, D.O. Case No. 3859M License No. 2710

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: motion passed 6-0.

JJ. Leslie Edison, D.O. Case No. 3942 License No. 3942

MOTION: Mr. Grossman moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Passed 6-0.

KK. Robert Tucker, D.O. Case No. 4026 License No. 2810

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Dr. Wedel seconded.

ROLL CALL VOTE: Motion passed 6-0.

LL. Lynne Pirie, D.O. Case No. DO-08-4058 License No. 1878

Dr. Picardo recused herself from this case.

Dr. Pirie was present and answered all questions posed by the Board.

Board recessed for Executive Session at 9:10 a.m.

Board returned to Open Session at 9:20 a.m.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

ROLL CALL VOTE: Motion passed 6-0.

7. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-109.

A. James A Wilcox, D.O.

Dr. Wilcox was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved to grant license. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

B. John K. Kosik, D.O.

Dr. Kosik was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for granting the license with probationary status.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

Board adjourned for a short break at 10:15 a.m.

Board returned to Open Session at 10:22 a.m.

8. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. 32-1855 (E) AND (I)

A. Michael Stanek, D.O.

License No. 4598

Dr. Stanek was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved to terminate the probationary order. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

- B. Budi Bahureksa, D.O. Case No. 3436 License No. 3901

A compliance report was given by the Investigator.

- C. Richard Mickle, D.O. Case No. 3784 License No. 2767

Dr. Mickle was present with counsel Bruce Crawford, Esq. and was sworn in. The Executive Director reviewed the case, and Mr. Crawford addressed the Board.

MOTION: Dr. Wedel moved to terminate probation order. Dr. Picardo seconded.

ROLL CALL VOTE: Motion failed 2-4, with Mr. Fiegen, Dr. Steingard, Mr. Grossman, and Dr. Steinway dissenting.

No change was made to the existing Board order.

- D. Patrick Marsh, D.O. Case No. 3657 License No. 2502

Dr. Marsh was present and answered all questions posed by the Board.

MOTION: Dr. Wedel motioned to amend present order to allow Dr. Marsh to work 40 hours per week. Dr. Steingard seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

9. **REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

A. D. Bullaro-Anderer, D.O. Case No. 3754M License No. 3271

Dr. Bullaro-Anderer was present with counsel Andrew Rosenzweig, Esq. and was sworn in. The Medical Consultant summarized the case. Dr. Bullaro-Anderer answered all questions posed by the Board.

MOTION: Dr. Picardo moved for DISMISSAL. Dr. Steingard seconded.

ROLL CALL VOTE: Motion failed 2-4, with Mr. Fiegen, Dr. Wedel, Mr. Grossman and Dr. Steinway dissenting.

SECOND MOTION: Dr. Wedel moved for a LETTER OF CONCERN pursuant to §32:1854 (6) & (38) due to poor oversight and failure to adequately assess the patient in a timely manner. Mr. Fiegen seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 5 | X | X | X | | X | X | |
| NO | 1 | | | | X | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passes 5-1, with Dr. Picardo dissenting.

B. Philip Bain, D.O. Case No. 3833M License No. 2302

Dr. Wedel recused himself from this case.

Dr. Bain was present with counsel Richard Davis, Esq., and was sworn in. The Medical Consultant reviewed the case. Dr. Bain and Mr. Davis answered all questions posed by the Board.

MOTION: Dr. Steinway moved for a LETTER OF CONCERN pursuant to §32:1854 (6) & (38) for failure to accurately review a patient history form, which could lead to failure to diagnose in a timely fashion. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 4 | X | X | X | | | X | |
| NO | 1 | | | | X | | | |
| ABSTAIN | 1 | | | | | X | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 4-1, with Dr. Picardo dissenting.

C. Shawn Stevenson, D.O. Case No. 3905 License No. 4350

Dr. Stevenson was present with counsel James Kaucher, Esq. and was sworn in. The Medical Consultant reviewed the case. Dr. Stevenson answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 5 | | X | X | X | X | X | |
| NO | 1 | X | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 5-1, with Dr. Steinway dissenting.

The Board recessed to Executive Session, and Lunch at 11:50 a.m.
The Board returned to Open Session at 12:40 p.m.

D. David Miller, D.O. Case No. 3971 License No. 3206

Dr. Miller was not present.

MOTION: Dr. Wedel moved to return this case to a Case Review. Mr. Grossman seconded.

ROLL CALL VOTE: Motion passed unanimously.

The Board discussed the case.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

E. Brian Page, D.O. Case No. 3894 License No. 3416

Dr. Page was present and sworn in. The complainant was also present and sworn in. The Investigator reviewed the case.

MOTION: Dr. Steinway moved to table this case until the full medical record is submitted to the Board and reviewed. Mr. Fiegen seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 4 | X | | X | X | | X | |
| NO | 2 | | X | | | X | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 4-2 with Mr. Grossman and Dr. Wedel dissenting.

F. Terence Rousseau, D.O. Case No. 3722 License No. 4554

Dr. Rousseau was present with counsel Michael R. Golder, Esq. and was sworn in. The Deputy Director reviewed the case. Dr. Rousseau and Mr. Golder answered all questions posed by the Board.

MOTION: Dr. Steinway moved to accept the report and recommended DISMISSAL. Dr. Wedel seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 5 | X | | X | X | X | X | |
| NO | 1 | | X | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passes 5-1, with Mr. Grossman dissenting.

G. Michael Nowak, D.O. Case No. 4043 License No. 4575

Dr. Nowak was not present. The Board voted unanimously to combine this case with agenda item 6DD. The Executive Director reviewed the proposed Interim Consent Agreement which states that Dr. Nowak will cease from practicing obstetrics until the two cases are heard before the Board.

MOTION: Dr. Wedel moved to accept the consent agreement. Mr. Grossman seconded.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

H. Erol LeBlanc, D.O. Case No. 4018 License No. 3452

This case was heard in conjunction with agenda item 5A. Dr. LeBlanc was present with Counsel Richard R. Thomas, Esq. and was sworn in. Mr. Thomas addressed the Board regarding a consent agreement. Dr. LeBlanc and Mr. Thomas answered all questions posed by the Board. Mr. Darren Hobbs, newly hired office manager for Dr. LeBlanc was also present and answered a question posed by the Board.

Board recessed for Executive Session at 1:17 p.m.
Board returned to Open Session at 1:31 p.m.

MOTION: Dr. Steingard moved to accept the consent agreement, amended to include:

- Probation for 2.5 years
- Dr. LeBlanc will no longer treat chronic pain patients. Will do minimum 10 hours each CONTINUING MEDICAL EDUCATION in pain management and record keeping, successfully completed within 6 months to be approved by the Executive Director. Total number of hours will be determined by the Executive Director.
- Dr. LeBlanc will hire a practice consultant to establish office protocol, train existing staff, PA oversight and record keeping.
- Dr. LeBlanc will send in copies of prescriptions of all scheduled drugs by the first Friday of each month to the Board.
- Board staff will do quarterly random chart reviews of minimum of 10 charts.
- Agreement to send out a letter on May 19, 2008 stating that Dr. LeBlanc is dismissing the patient from pain management care and giving the patient 30 days to find another pain management or addictionologist physician.
- Dr. LeBlanc will no longer be prescribing methadone after 30 days from May 19, 2008.

Mr. Grossman seconded the motion.

| | Vote | Dr. Steinway | Mr. Grossman | Dr. Steingard | Dr. Picardo | Dr. Wedel | Mr. Fiegen | Dr. England |
|---------|------|--------------|--------------|---------------|-------------|-----------|------------|-------------|
| YES | 6 | X | X | X | X | X | X | |
| NO | 0 | | | | | | | |
| ABSTAIN | 0 | | | | | | | |
| ABSENT | 1 | | | | | | | X |

ROLL CALL VOTE: Motion passed 6-0.

10. LITIGATION UPDATE FROM OFFICE OF THE ATTORNEY GENERAL FOR THE PURPOSE OF RECEIVING LEGAL ADVICE:

- A. S. Foster Easley, III., D.O. vs. The State of Arizona and the Arizona Board of Osteopathic Examiners in Medicine and Surgery, LC2008-000170-001

Mr. Blair Driggs, A.A.G. reported to the Board during an Executive Session following the lunch break.

11. EXECUTIVE DIRECTOR REPORT:

- A. Five Year Review Report for Arizona Administrative Code, Title 4, Chapter 38
- B. Budget
- C. Statistics
- D. Legislation
- E. Discussion on Agency Policy to report public information on the website (open investigations)

Dr. Steinway reviewed his concerns regarding open investigations being publicized on the website, and the Board discussed the issue. Board's opinion is to bring this policy for a vote at a future meeting.

- F. HB2268, review and discussion on "retired" status

Dr. Steinway reviewed what would constitute a retired status license. A subcommittee was formed to set up and review rules and process definitions and report back to the Board. Dr. Steinway appointed Mr. Fiegen and Dr. England to this subcommittee.

- F. Schedule Agency strategic planning meeting/retreat

Retreat scheduled for August 2008.

- H. Review and approval of new administrative rules for continuing education.

Dr. Steinway reviewed physician concerns regarding adequate competency evaluation of a physician after he/she has completed his/her education and training. The Board discussed the matter. A subcommittee was formed made up of Dr. Picardo and Mr. Grossman to explore alternative methods of screening and rehabilitation of physicians.

12. ADJOURNMENT

Dated this ____ day of _____, 2008.

Jack Confer, Executive Director